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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,194	11/06/2000	Gary Odom		8360

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12/08/2003

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EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 12/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,194

Applicant(s)

Odom

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 17, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 5, 7, 8, 10, 11, 13, and 15-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 5, 7, 8, 10, 11, 13, and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4-5, 7-8, 10-11, 13 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Tuniman et al. (US Patent No. 5,644,737).

Regarding claim 4, Tuniman discloses software from at least one computer-readable medium(s) wrapping a toolbar [the tool bar that must move to reveal the graphic objects on a newly selected toolbar depends on the relative position of the newly selected toolbar in the stacking order.. see col. 7, lines 8-45 and figure 5].

Regarding claim 5, Tuniman discloses software from at least one computer-readable medium(s) directly altering the length of a tool group in a toolbar exclusive of editing any tools in said group or altering the length of said toolbar [..A stacked toolbar can also be docked on the left or right edges of the display screen or window to convert it to a vertical toolbar, such as a toolbar ... see col. 7, lines 32-58].

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Regarding claim 7, Tuniman discloses contracting the length of a tool group to hide at least one tool without a change in tool bar length [..Resizing is limited or controlled by a resizing algorithm to ensure that the area of the floating toolbar is sufficient to display all of the graphic objects on any toolbar in the stack. Thus, if the user decrease the length of the floating stacked toolbar, its width will increase automatically by an amount that accommodates the minimum area required by any toolbar in the stack... see col. 8, lines 10-23].

Regarding claims 8 and 11, Tuniman discloses directly manipulating a tool group divider [see figures 3-4].

Regarding claim 10, Tuniman discloses expanding the length of a tool group to reveal at least one previously hidden tool without a change in toolbar length [..the user can cause the graphic objects comprising the Office group to be fully disclosed as shown on a stacked toolbar col. 9, lines 13-33 and figure. 7].

Regarding claim 13, Tuniman discloses Software from at least one computer-readable medium directly merging two toolbars into one (see col. 10, lines 34-67).

Regarding claim 15, Tuniman discloses automatically rearranging at least one tool based upon relative usage frequency of tools within a toolbar group [..a user will arrange a number of frequently used applications in different groups based on subject matter or common task relationship.; see col. 1, lines 30-37.]

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Regarding claims 16-18, Tuniman discloses preventing at least one tool from being rearranged; and automatically rearranging at least one group of a tools on a toolbar based upon aggregate usage frequency of tools within a tool group compared to another group (see col. 1, lines 38-53 and figures 6-80).

Regarding claim 19, Tuniman discloses Software from at least one computer-readable medium directly selecting and moving a group of tools within a toolbar [...to drag the graphic object that is selected onto a toolbar comprising the stack, thereby adding the graphic object to the group of graphic objects within the toolbar; see col. 17, lines 12-17].

Regarding claim 20, Tuniman discloses Software from at least one computer-readable medium directly merging a group of tools on a toolbar with another group of tools [...for adding and removing a selected graphic object respectively to and from the groups of graphic objects comprising the toolbars in the stack, by dragging and dropping the selected graphic object.; see col. 18, lines 43-48].

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-892).

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4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).


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Inquires

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 9:00 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.


CAO (KEVIN) NGUYEN
PRIMARY EXAMINER
November 29, 2003

